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Attorneys for Defendants LVMPD, Devin Ballard and Patrick Neville

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 CHARLES MOSER,

10 Plaintiff,

11 vs.

12 DEVIN BALLARD, an Individual;
13 PATRICK NEVILLE, an Individual; and
14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

15 Defendants.

Case Number:
2:17-cv-01704-APG-NJK

16 **STIPULATION AND ORDER**

17 **(FIRST REQUEST)**

18 Plaintiff Charles Moser ("Plaintiff"), by and through their attorneys of record, Daniel
19 Marks, Esq. and Adam Levine, Esq. of Law Office of Daniel Marks, and Defendants Las
20 Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Devin Ballard
21 ("Ballard") and Patrick Neville ("Neville") (collectively "LVMPD Defendants"), by and
22 through their attorneys of record, Nick D. Crosby, Esq. and Jackie V. Nichols, Esq., of
23 Marquis Aurbach, hereby agree and jointly stipulate the following.

24 Accordingly, the parties met and conferred on Thursday, April 4, 2024 and agreed to
25 the following terms:

26 1. The parties hereby agree and stipulate that the term "demotion" is prohibited
27 during trial and the proper term to describe the action taken against Plaintiff is a disciplinary
28 transfer.

2. The parties further stipulate that the conclusion from the Labor Management
Board is excluded.

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1 3. During the meet and confer, the parties discussed the exclusion of Plaintiff's
2 expert Dr. Thomas Carrol. Plaintiff indicated that he will attempt to supplement Dr. Carrol's
3 report as soon as possible and hopefully by April 12, 2024.

4 4. As such the parties stipulate that upon receipt of the supplement report,
5 Defendants shall have one week to file a motion in limine, if necessary, regarding the
6 supplemental expert report.

7 5. If Defendants do file a motion in limine as to the supplemental expert report,
8 the parties will submit a stipulation as to an expedited briefing schedule so the Court has an
9 opportunity to rule on any motion prior to trial.

10 6. Neither party waives any argument as to the supplement expert by agreeing to
11 move the motion in limine deadlines.

12 IT IS SO STIPULATED.

13 Dated this 5th day of April, 2024.

Dated this 5th day of April, 2024.

14 LAW OFFICE OF DANIEL MARKS

MARQUIS AURBACH

15
16 By: /s/ Adam Levine
Daniel Marks, Esq.
17 Nevada Bar No. 2003
Adam Levine, Esq.
18 Nevada Bar No. 4673
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19 Las Vegas, Nevada 89101
20 Attorneys for Plaintiff Charles Moser

By: /s/ Jackie V. Nichols
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21 **ORDER**

22 The above Stipulation is hereby GRANTED.

23 IT IS SO ORDERED.

24
25 
26 UNITED STATES DISTRICT JUDGE

27 DATED: April 8, 2024